

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION**

**MDL No. 1456**

**CIVIL ACTION: 01-CV-12257-PBS**

**Judge Patti B. Saris**

**THIS DOCUMENT RELATES TO  
ALL CLASS ACTIONS**

**AFFIDAVIT OF THE VERMONT PUBLIC RESEARCH GROUP**

I, Paul Burns, under the penalty of perjury, hereby declare as follows:

1. I am the Executive Director of the Vermont Public Interest Research Group ("VPIRG"). VPIRG is Vermont's leading nonprofit and nonpartisan watchdog and advocacy organization.

2. VPIRG is dedicated to the promotion of economic, social, civil and environmental justice. VPIRG's mission is to promote and protect the health of Vermont's environment, people, and locally-based economy. One of VPIRG's goals has been to fight for more affordable prescription drug prices for seniors and other Vermont citizens.

3. VPIRG includes members who are Medicare beneficiaries and who have made co-payments, based on AWP, for pharmaceuticals. VPIRG also includes members who are not covered by healthcare insurance of any kind and who pay cash for some or all of their prescription medications.

4. VPIRG is involved in the Pharmaceutical Average Wholesale Price litigation on behalf of our membership in order to fight against the abusive practices employed by

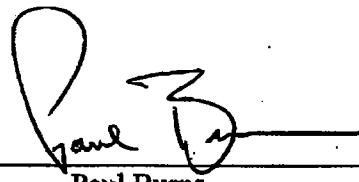
pharmaceutical manufacturers to arbitrarily inflate the "average wholesale price" of prescription drugs covered by Medicare Part B and many others not covered by Medicare. We also join because this practice determines why certain drugs are prescribed more often than others and directly impacts the health care received by our members.

5. During the Class Period, VPIRG's members paid for drugs that had AWP-based transaction prices.

6. VPIRG appears in this action for purposes of seeking declaratory, injunctive and other non-monetary relief pursuant to 28 U.S.C. §§ 2201, 2202 § 16 of the Clayton Act and any other applicable statute.

7. VPIRG has been actively involved in the prosecution of this litigation and has enlisted the assistance of skilled and experienced class action counsel. VPIRG's interests are not antagonistic to the interests of the members of the proposed Class.

8. VPIRG does not have the economic ability or incentive to prosecute a case of this magnitude individually against such well-financed defendants and therefore believes that a class is a superior device.

A handwritten signature in black ink, appearing to read "Paul Burns", is written over a horizontal line.

Paul Burns  
Executive Director